

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEADWATER RESEARCH LLC

Plaintiff,

v.

SAMSUNG ELECTRONIC CO., LTD and
SAMSUNG ELECTRONICS AMERICA, INC.,

Defendants.

Case No. 2:22-CV-00422-JRG-RSP

**DEFENDANTS' AMENDED UNOPPOSED MOTION
TO AMEND DOCKET CONTROL ORDER**

Defendants Samsung Electronics Co., Ltd., and Samsung Electronics America, Inc. (collectively "Samsung") respectfully file this Amended Unopposed Motion to Amend the Docket Control Order, amending and mooted Defendants' unopposed motion filed on Friday May 3, 2024 at Dkt. No. 215. The parties have further conferred due to changes in expert availability since Friday May 3rd, and now respectfully request the further revised schedule, as follows.

The parties have been working diligently throughout this expert discovery period to prepare and serve expert reports. Additionally, the parties have been negotiating in good faith over an expert deposition schedule that accommodates both parties' and the experts' schedules, including international travel and on-going trials in other matters. Given the number of experts involved and recent corrected reports, finding a workable scheduling arrangement for expert depositions within the current expert discovery period has proven difficult. Compounding this, certain experts have unavoidable conflicts within the current discovery period. In light of these scheduling conflicts, good cause exists for the proposed schedule modifications.

Samsung respectfully submits that a small extension to the expert deposition period and strike/*Daubert* motion related deadlines for the parties' damages-related experts only, would help to alleviate the aforementioned scheduling conflicts and allow the parties to proceed with expert discovery with better efficiency. Headwater does not oppose. Specifically, the parties currently propose to proceed with defendants' damages-related expert depositions on May 10th and May 14th, and with plaintiff's damages-related expert depositions on May 13th and May 14th. The parties have already completed one of defendants' damages-related expert depositions.

No other deadlines will be affected by this amendment, nor will there be any disruption to the trial schedule. Under the requested extensions, *Daubert*/strike motions would be due six days later than currently scheduled, which is still more than four weeks prior to the pre-trial conference.

Samsung represents that this Motion is not filed for the purposes of delay but rather so that justice may be served.

Accordingly, Samsung respectfully requests that the Court grant this Amended Unopposed Motion to Amend the current Docket Control Order (Dkt. No. 186) as follows:

Original Date	Amended Date	Event
May 24, 2024	May 30, 2024	*Response to Strike/ <i>Daubert</i> Motions. Responses to Strike/ <i>Daubert</i> motions that were filed prior to the motion deadline shall be due in accordance with Local Rule CV-7(e), not to exceed the deadline as set forth in this Docket Control Order. Motions for Summary Judgment shall comply with Local Rule CV-56.
May 24, 2024	May 24, 2024	*Response to Dispositive Motions. Responses to dispositive motions that were filed <u>prior</u> to the dispositive motion deadline, shall be due in accordance with Local Rule CV-7(e), not to exceed the deadline as set forth in this Docket Control Order. Motions for Summary Judgment shall comply with Local Rule CV-56.

Original Date	Amended Date	Event
May 10, 2024	May 16, 2024	<p>*File Motions to Strike Expert Testimony (including <i>Daubert</i> Motions) regarding any damages-related expert opinions (Kennedy, Groehn, Ugone, Kline, Butler)</p> <p>No motion to strike damages-related expert testimony (including a <i>Daubert</i> motion) may be filed after this date without leave of the Court.</p>
May 9, 2024	May 15, 2024	Deadline to Complete Expert Discovery (regarding any damages-related expert testimony)
May 10, 2024	<i>No change</i>	<p>*File Motions to Strike Expert Testimony (including <i>Daubert</i> Motions) regarding any technical expert opinions (De la Iglesia, Schonfeld)</p> <p>No motion to strike technical expert testimony (including a <i>Daubert</i> motion) may be filed after this date without leave of the Court.</p>
May 10, 2024	<i>No change</i>	<p>*File Dispositive Motions</p> <p>No dispositive motion may be filed after this date without leave of the Court.</p> <p>Motions shall comply with Local Rule CV-56 and Local Rule CV-7. <u>Motions to extend page limits will only be granted in exceptional circumstances. Exceptional circumstances require more than agreement among the parties.</u></p>
May 9, 2024	<i>No change</i>	Deadline to Complete Expert Discovery (regarding any technical expert testimony)

Dated: May 8, 2024

Respectfully submitted,

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SAMSUNG ELECTRONICS AMERICA,
INC.**

CERTIFICATE OF CONFERENCE

Counsel for Plaintiff and counsel for Defendants have met and conferred in compliance with Local Rule CV-7(h). Plaintiff does not oppose this motion.

/s/ Sara C. Fish
Sara C. Fish

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was filed electronically in compliance with Local Rule CV-5 on May 8, 2024. As of this date, all counsel of record had consented to electronic service and are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3)(A).

/s/ Sara C. Fish
Sara C. Fish